

SCHOOLS: Interpretation of meaning of "incidental expenses" as same appears in Section 13a, Laws of Missouri, 1939, page 718.

January 5, 1940

Mr. Omer Foley  
County Superintendent  
Howard County Public Schools  
Fayette, Missouri



Dear Sir:

We are in receipt of your letter of January 1, 1940, wherein you states as follows:

"In re: H. B. 370 revising section 13a, 1931 School Law, found on page 718 Laws of Missouri, 1939:

Beginning on line number nine (9)--, and maintenance shall be construed as including only teachers' wages and incidental expenses:

The question arises just what items shall be called incidental expenses? Would you class: painting exterior, papering or painting interior, repairing schoolhouse in general, stoves or heaters or the purchase of same, repairing or building outbuildings, putting in electric lights under REA, changing the lighting from cross lights, etc. as falling under this section?"

Laws of Missouri, 1939, Section 13a, page 718, to which you refer, provides in part:

" \* \* \* \* \* maintenance shall be construed as including only teachers' wages and incidental expenses: \* \* \* \* \*"

Webster's New International Dictionary, Second Edition, defines the term "incidental" as:

"\* \* \* \* \* casual; hence not of prime concern; subordinate; as, an incidental expense.

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Funk and Wagnall's New Standard Dictionary of the English Language defines the term:

"\* \* \* \* \* especially a minor or casual expense or item: \* \* \* \* \*"

There is a well-defined rule of statutory construction that non-technical words in a statute are to be construed in their plain and usual sense. *Kinyon v. Kinyon*, 71 S. W. (2d) 78, 230 Mo. App. 623.

Applying the above rule, we are of the opinion that the words "incidental expenses", as used in Section 13a, supra, authorize the expenditure of funds for only minor and casual expenses and do not permit expenditures for "painting exterior, papering or painting interior, repairing schoolhouse in general, stoves or heaters or the purchase of same, repairing or building outbuildings, putting in electric lights under REA or changing the lighting from cross lights."

Respectfully submitted,

MAX WASSERMAN  
Assistant Attorney General

APPROVED:

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W. J. BURKE  
(Acting) Attorney General

WJB:VC